

Steven M. Bierman (SB 6615)
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Thomas C. Green (admission *pro hac vice* pending)
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(202) 736-8000

Counsel for the Movant-Applicant
C. GREGORY EARLS

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

	X	
	:	
C. GREGORY EARLS,	:	No. 07-cv-5946 (NRB)
	:	(No. 03-cr-0364 (NRB))
Movant-Applicant,	:	
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
	X	

NOTICE OF MOTION FOR A CERTIFICATE OF APPEALABILITY

To: Counsel for Respondent:
Mr. William J. Stellmach
Office of the United States Attorney
for the Southern District of New York
One St. Andrew's Plaza
New York, NY 10017

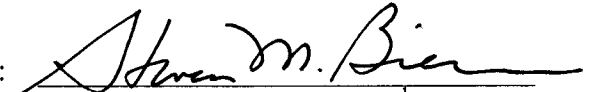
PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law,
the undersigned will move this Court before The Honorable Naomi Reice Buchwald at the

United States Courthouse, 500 Pearl Street, New York, New York 10007, for a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22.

Respectfully submitted,

Dated: October 26, 2007

SIDLEY AUSTIN LLP

By: 

Steven M. Bierman (SB 6615)¹
787 Seventh Avenue
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(212) 839-5510

Thomas C. Green (*pro hac vice* pending)
1501 K Street, N.W.
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Counsel for the Movant-Applicant
C. GREGORY EARLS

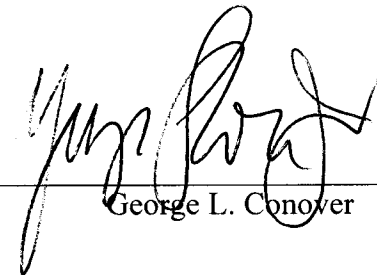
¹ Mr. Bierman continues to appear on behalf of Mr. Earls because the Court has not ruled on the pending motion to admit Mr. Green *pro hac vice*.

STATE OF NEW YORK)
) s.s.:
COUNTY OF NEW YORK)

AFFIDAVIT OF SERVICE

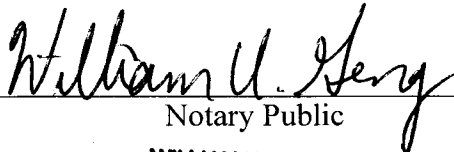
I, George L. Conover, being over the age of eighteen (18) years, and not a party to this action, and being first duly sworn, state on oath that on October 26, 2007, I served the annexed Notice of Motion by causing a true copy to be deposited in an official mail depository exclusively maintained by the U.S. Postal Service within the State of New York upon:

AUSA William Stellmach
United States Attorney for
the Southern District of New York
One St. Andrews Plaza
New York, New York 10017



George L. Conover

Subscribed and sworn to me this
26th day of October, 2007



Notary Public

WILLIAM U. GENG
NOTARY PUBLIC, State of New York
No. 31-4874791
Qualified in New York County,
Commission Expires May 31, 2010